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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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## WEEK IN REVIEW

### HOUSE

The House approved several measures relating to child abuse and neglect. The House gave third reading to H.3628, which revises procedures for the Central Registry for Child Abuse and Neglect such that an individual may not be entered into that centralized database simply upon the suspicions of a case worker. The bill requires that a court order that the name and other identifying information of a defendant who is convicted of or pleads guilty or *nolo contendere* to offenses which involve neglect or sexual or physical abuse of a child in order for that information to be entered into the Central Registry of Child Abuse and Neglect maintained by the Department of Social Services. At any time following a report of child abuse or neglect, DSS is authorized to petition a family court for an order directing that a person named as perpetrator be entered into the Central Registry. DSS must seek such a court order when it finds that there is a preponderance of evidence that a perpetrator committed sexual abuse. Information on less clear-cut cases where there is a preponderance of evidence that a child was abused and some evidence that the subject of the report was the perpetrator may be retained by DSS outside of the Central Registry as a Category II unfounded report. The House amended and gave third reading to H.3546 which provides for situations in which the Department of Social Services and law enforcement may extend the period for keeping a child in emergency protective custody beyond the twenty-four hours currently allotted. The bill eliminates emergency physical custody and afford DSS and law enforcement up to twenty-four additional hours to perform a background check on the relative with whom it is proposed the child be placed. Physical custody may be extended for up to five days if the relative with whom DSS plans to place the child needs time to make travel arrangements (both the relative in question and the parent of the child must give consent for this extension). With regard to the present requirement that DSS contact the officer who took a child into protective custody before returning the child to the home, the bill establishes certain alternative means of communication between DSS and law enforcement. The House also amended and gave third reading to joint resolution H.3770 which authorizes the Department of Social Services to establish, in one region of the state which may include up to three counties, a child protective services pilot program which allows the Department to divert less serious child abuse and neglect cases to an assessment track rather than following normal protocol.

The House of Representatives concurred in Senate amendments to H.3139 and the bill was ordered enrolled for ratification. The bill revises permanency planning provisions for children in foster care so as to place a high priority on adoption and expedite permanent placement. The Department of Social Services must perform thorough adoption assessments, including face-to-face interviews with the adoptee, foster family, and other significant parties. DSS must conduct child specific recruitment, utilizing such resources as the media and photo listings. The bill adds abandonment of a child as a condition for the termination of parental rights. The bill provides that a permanent placement plan must be submitted thirty days, rather



than the current ninety days, after the court order is issued terminating parental rights. The subsequent deadline for implementing the plan is moved up from ninety days to sixty days. Thus, the total schedule is reduced by half-- from 180 days to 90 days. With regard to the permanency plan, a specific finding must be made on the number of caseworker visits, with at least one visit per month. Such visits must be face to face encounters which include the child, foster parents, and other adults in the home. DSS must provide each foster child of appropriate age with a card which bears a toll free telephone number which may be used to contact DSS at any time to report problems. Penalties are provided for those who fail to extend specified foster care services and for those who fail to report such omissions. The bill also adds to the offenses which bar one from serving as a foster parent, assault and battery of a high and aggravated nature where the victim is seventeen years of age or younger and criminal domestic violence (high and aggravated or otherwise).

The House adopted concurrent resolution H.3744 which establishes a study committee for the purpose of recommending legislation concerning drug impaired infants and the treatment methods, commitment procedures, and prosecution of the mothers of such infants

The House amended and gave third reading to H.3677 which revises the South Carolina Uniform Securities Act so as to bring the state into conformity with the National Securities Market Improvement Act of 1996 and provide for certain other changes.

The House gave third reading to S.285 which enhances protection of trade secrets during litigations by requiring litigants to demonstrate their need for release of trade secrets in order to obtain release of that information. The bill also creates criminal penalties for the misappropriation of trade secrets and codifies the common law distinction between a trade secret agreement and a covenant not to compete.

The House amended and gave third reading to H.3279, the "Patient Access to Optometric Primary Eye Care Act." The bill prohibits health insurers who provide vision care benefits (with certain exceptions) from discriminating against either optometrists or ophthalmologists, as a class, with respect to the terms, conditions, privileges and opportunity for participation, or compensation for the same eye care services. Such insurers may not prohibit a participating optometrist from performing those medical services within his legal scope of practice which are in accord with the benefit plan. The bill establishes a procedure for those aggrieved by violations. The bill takes effect 180 days after the signature by the Governor, provided, however, that existing contracts must comply with the bill's requirements at their next renewal date.

The House gave third reading to H.3408 which increases the pretrial intervention application fee from fifty dollars to one hundred dollars. Aggregate fees for pretrial intervention application and participation are raised from three hundred dollars to three hundred fifty dollars. The House amended and gave second reading to H.3383 which allows reasonable attorney fees to be recovered in a contested administrative proceeding where the state or political subdivision is not the prevailing party.

The House approved several measures pertaining to environmental quality. S.360 establishes the Drinking Water Revolving Loan Fund, requires the State to make a biennial



report to the Environmental Protection Agency concerning the Drinking Water Revolving Loan Fund, brings the State's laws into compliance with the federal Safe Drinking Water Act, and adds additional powers to the S.C. Water Revolving Fund Authority. H.3623 amends the Solid Waste Policy and Management Act by distinguishing between "collection", "disposal", "processing", and recycling" related to facilities managing waste tires. H.3607 increases the membership and extends the life of the State Solid Waste Advisory Council. The bill also provides the Department of Health and Environmental Control with certain additional powers in enforcing the Solid Waste Policy and Management Act. H.3506 authorizes the Department of Health and Environmental Control to relocate the Coastal Council within the agency organizational structure, so long as the Coastal Council continues as an organizational unit and is located at or above the level of a bureau. H.3328 sets the worker's compensation rate for members of organized volunteer hazardous materials-spill response teams injured in the line of duty at thirty-seven and one-half percent of the average weekly wage in this state for the preceding year.

The House amended and gave third reading to H.3647, which provides that on the Edisto, Big Pee Dee, Little Pee Dee, Lumber, and Waccamaw Rivers, live nongame fish may be used with single-barbed set hooks that have a shank-to-point gap of 1-3/16 (one and three-sixteenths) inches or greater. The House also amended and gave third reading to H.3807, which revises the open season for taking antlered deer in Game Zones 1, 2, and 4 and provides that the Department of Natural Resources has the authority to establish the methods for hunting and taking of deer and to set restrictions on hunting and taking deer.

The House amended and gave third reading to H.3174 which provides for certain license plates which must be purchased for charter limousines at a biennial fee of fifty dollars to be remitted to the Department of Public Safety. The House agreed to concurrent resolution H.4075 which declares April 28, 1997, "Workers' Memorial Day" in honor of the working men and women of the state who have died on the job.

## SENATE

The Senate Finance Committee finished work on the 1997-98 state budget. Highlights of the committee's bill include: maintaining property tax relief at the \$100,000 per home level; requiring vehicle owners to pay \$3 to get their license plates by mail; charging video poker operators \$200 more on each machine; increasing restaurants' cost for inspections; providing additional income tax cuts for senior citizens; providing \$16 million for the second of a three-year phase-in of full-day kindergarten statewide; a 2.5% pay raise for state employees starting July 1 (House plan proposes 2% beginning July 16, with a maximum increase of \$1,000); and an additional \$5.6 million for State House renovations. Although the Senate Finance Committee plan does not vary greatly from the House-passed plan, the Finance Committee used "wish list" funds of surplus money to pay for some items, including part of the property tax relief. The House plan does not have a "wish list." The Finance Committee plan also includes a proviso which gives Palmetto Fellows Scholarships to an estimated 200 more students, funded by additional monies from the Barnwell low-level radioactive waste landfill and specified funds from the Commission on Higher Education. The Finance Committee schedule

calls for floor debate on the bill to begin May 5.

The full Senate gave third reading and sent to the House S.233. This bill provides that local sales and use taxes for transportation facilities may be imposed for single or multiple projects. The bill also provides that the referendum held before a tax may be imposed may be held on the Tuesday following the first Monday in November if the ordinance (required to impose the tax) is received prior to January 1, 1998; however, if the ordinance is received on January 1, 1998, or thereafter, a referendum for this purpose must be held at the time of the general election.

The Senate also gave third reading and sent to the House S.40, which adds a section to the law providing for confidentiality of records of clients or potential clients of the Continuum of Care for Emotionally Disturbed Children Division. The bill delineates exceptions, which would allow disclosure of this information, and provides that a person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 or imprisoned not more than one year, or both. The bill also repeals the Advisory Council to the Continuum of Care Division.

## JOINT ASSEMBLY

The House and Senate met in joint assembly on Wednesday, April 23, for the purposes of electing members of the boards of trustees for South Carolina State University, Coastal Carolina University, and the Wil Lou Gray Opportunity School, and for the presentation of the 1997 Jean Laney Harris Folk Heritage Award Winners.

## COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources and Environmental Affairs Committee gave a favorable recommendation to H.3504, a bill amending several sections of the state's coastal fishery laws. Several provisions in the bill concern the licensing requirements for seafood dealers and trawling vessels. The bill also provides for the times and circumstances when it is lawful to set, fish and locate crab pots and possess crabs and requires a person using crab traps for commercial purposes to acquire a license (the S.C. resident fee would be \$25.00 for the first 50 traps, while the non-resident fee would be \$300.00 for the first 50 traps).

### EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee gave a favorable report to H.3767, which increases the maximum width allowed for a cotton modular vehicle from 107 inches to



110 inches. S.446, which relates to Regional Transportation Authorities, changing each reference of "city" to "municipality," also received a favorable report.

The committee gave a favorable report with amendment to S.38, which provides that the SC Highway Patrol shall transfer the service sidearm of an active duty trooper killed in the line of duty to the trooper's surviving spouse once the sidearm has been rendered inoperable. The committee amended the bill to require that before the sidearm is transferred it must be rendered "permanently" inoperable. The committee gave a favorable report with amendment to H.3828, which provides that public and nonpublic high school graduates of this state who meet certain specified criteria will receive a Superior Academic Achievement Diploma and will also receive a \$500 scholarship to attend any state-supported institution of higher learning or technical college. Committee amendments to the bill include deleting references to "nonpublic" schools so that only public school students are eligible for the diploma and for the \$500 scholarship, and changing the requirement that the student must have an "overall 'B' average" to a requirement that a student must "maintain a numerical grade average of 94 for grades 9-12" in order to qualify for the special diploma.

The committee gave a favorable report with amendments to H.3961, which provides the manner in which a person who has been disqualified from driving a commercial vehicle for one year or more may be re-examined to obtain a commercial driver's license. Committee amendments include lowering the amounts of fines (and also lowering the possible terms of imprisonment for second and subsequent offenses) which may be imposed upon a person who is convicted of operating a commercial vehicle without the proper class commercial license or permit; changing the effective date of the legislation from "upon approval of the Governor" to "October 1, 1997;" and adding a new section to the bill concerning tendering or interchanging of an intermodal trailer, chassis, or container to a motor carrier.

S.559, which amends current law concerning training, certification, and evaluation of public educators, also received a favorable report (minority unfavorable) with amendments. Committee amendments include adding provisions concerning alternative professional possibilities and requirements for teachers who have completed a provisional contract year and who have successfully completed the formal evaluation process and the professional growth plan, and adding provisions for teachers who have not successfully completed the evaluation process and the professional growth plan; and adding provisions authorizing local school districts to make the determination at various levels of employment as to whether a teacher's performance was sufficiently high to render that teacher eligible for employment at the next contract level.

## JUDICIARY

The Judiciary Committee gave a report of favorable with amendment to S.56 which provides that "Register of Mesne Conveyances" means "Register of Deeds" whenever it appears in the code. The Code Commissioner is directed to make the substitution in a timely, cost-effective manner. The committee gave a report of favorable with amendment to H.3379 which allows the owner of a security to designate a beneficiary who is to take ownership of

the security upon the owner's death. The committee gave a favorable report to H.3526 with an amendment which would completely rewrite the bill. The bill, if amended, requires inmates to engage in work programs unless they pose a security risk or are physically or mentally incompetent. State and local correctional facilities are authorized to make use of chain gangs composed of inmates who have been convicted of nonviolent offenses or are eligible for minimum security detention. The bill establishes a procedure which the Attorney General may use to secure reimbursement for inmate care from inmates who have the means to pay. The bill also provides that the Department of Corrections shall promulgate regulations and local correctional facilities shall adopt standards concerning restriction of the use of televisions.

### LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee did not meet last week.

### MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee reported out H.3112, which establishes the Osteoporosis Education Fund to promote public awareness, prevention, and treatment of osteoporosis. An amendment to the bill makes it clear that DHEC is not responsible for carrying out the provisions of the legislation if the agency does not receive funds from the Osteoporosis Education Fund. The full committee also gave a favorable report to H.3801. This bill changes the composition of the board of trustees of the Firemen's Pension Fund.

The full committee passed out three bills concerning occupations regulated by the Department of Labor, Licensing, and Regulation. S.358 amends the chapter concerning optometrists to make it conform to the statutory and administrative framework established for professional and occupational boards, and S.359 rewrites the practice act for long term health care administrators to make it conform to the same administrative framework. H.3563 rewrites the practice act for funeral directors and embalmers to provide for the same conformity.

### WAYS AND MEANS

The Ways and Means full committee took the following action:

#### Favorable Report/No Amendments:

H.3443 - Provides that the method of calculating the sales tax due on the sale of boats and motors to a resident of another state for licensing in the other state, is the same method currently used to calculate sales tax due on the sale of a motor vehicle to a resident of another state for licensing in the other state.



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**H.3846** - Establishes a \$300 cap on the sales tax imposed on the sale of livestock trailers.

**H.3859** - Excludes single member liability companies and grantor trusts from all state tax liability in certain circumstances and amends other sections of the code related to limited liability companies.

**H.3850** - Amends several sections of the code relating to, among other items, tax returns, the licensing of game machines, sales and use tax exemptions, and private car rental surcharges.

**H.3605** - Allows a county treasurer to enforce collection of a check that is returned unpaid or is dishonored for the payment of county or municipal taxes, so long as no person is twice put in jeopardy for the same offense; provides that county or municipal taxes which remain unpaid as a result of a check being dishonored or returned unpaid constitute a lien on the property subject to the tax until the taxes and all penalties, interest and other charges due are paid in full.

**S.178** - Joint resolution authorizing the Budget and Control Board to transfer ownership of a surplus National Guard Armory located in the town of Pacolet Mills to the town of Pacolet Mills, and authorizes the Budget and Control Board to transfer ownership of the National Guard Armory located in the town of Chesterfield to the town of Chesterfield.

**H.3995** - Lowers the threshold from \$900,000 to \$450,000 for the exemption of a county from the Sunday closing laws based on accommodations tax revenues in the county.

**H.4026** - Comprehensive bill revising the *SC Consolidated Procurement Code*.

**Tabled/Recommitted:**

**H.3732** (Tabled) - Updates the reference date whereby SC adopts various provisions of the federal *Internal Revenue Code* and other matters relating to federal income conformity, and allows a taxpayer to elect a 1985 reference date with respect to certain corporate liquidations.

**H.3380** (Recommitted) - Requires that in a transaction involving the transfer of agricultural real property the transferor shall provide written notice to the transferee stating that the real property is classified as "agricultural real property" for the current property tax year, and that the property is subject to rollback tax if the new owner changes the use of the property or fails to apply to retain its agricultural classification.

**H.3098** (Tabled) - Provides that no public property (as delineated in the bill) purchased or constructed with state funds or otherwise acquired or owned by the State, may be named for a living person or a person who has been deceased for less than one year.

**H.3491** (Recommitted) - Provides that a person who is enrolled in an institution of higher education full time is eligible to receive food stamps if the person meets the financial eligibility requirements to receive foods, is receiving benefits from the Aid to Families with Dependent Children program, and maintains a "C" average or better.



**Favorable with Amendment(s):**

**H.3147** - Prohibits the Governor's annual budget recommendation from proposing the appropriation of surplus general fund revenues in excess of amounts officially recognized as such by the Board of Economic Advisors. Also prohibits the appropriation of surplus general revenue funds in excess of amounts officially recognized as such by the Board of Economic Advisors. Amended to clarify that the bill also relates to both House and Senate joint resolutions or bills dealing with appropriations.

**H.4021** - Raises the ceiling of the maximum amount of outstanding state institution bonds. Amended to specify the amount of indebtedness is raised from \$90 million to \$100 million.

**S.207** - Provides that regulation of video games pursuant to the Video Games Machine Act is not prohibited, including the prohibition on payoffs and location of these machines in counties where such payouts and machines are prohibited under the local option provisions of that Act. Provides civil penalties for machines located in counties where payouts are prohibited. Committee amendments include changing the effective date from the first day of the second month after the Governor signs the bill to May 31, 1998.

**H.3637** - Amends current law concerning job tax credits by providing that a taxpayer who makes a capital investment of at least \$20 million at a single site within a three year period may elect to have the number of new and additional new full-time jobs determined by comparing the monthly average number of full-time jobs subject to SC income tax withholding at the site for the taxable year with the monthly average for the prior taxable year. The calculation of new and additional jobs is allowed for a five year period commencing in the year in which the \$20 million of capital investment is completed. Committee amendments include a provision clarifying that jobs transferred from one site to another site will not count as new and additional jobs for job tax credit purposes; and a provision that jobs transferred from one subsidiary to another subsidiary will not count as new and additional jobs for job tax credit purposes.

**H.3919** - Allows a taxpayer who operates a qualifying distribution facility to use income tax credits against other state tax liabilities other than property tax. Committee amendments include: a provision allowing two qualifying entities which are defined as a "Controlled Partnership" as of the date of the execution of the inducement agreement to be treated as a single entity for purposes of the big fee regarding the level of investment (\$45 million) and the assessment ratio for the super fee (4%); a provision allowing a company investing \$600 million to qualify for the super fee-in-lieu, and an assessment ratio of 4% can be negotiated; an amendment providing for a 10 year carry-over of the investment tax credit which is given for certain types of investments in an economic impact zone (currently there is not a carry-over for this credit); and an amendment defining what a qualifying project is, and expanding the definition to include office parks built by a county or political subdivision of the State, and also clarifying that if a credit is claimed under this section, no credit may be claimed under Section 12-6-3420 (corporate income tax credit for construction or improvement of an infrastructure project).

**H.3757** - Provides that consulting fees paid to a retired member of the state retirement system by an employer covered by the system are considered earnings within the earnings limitations of the system. Also provides that consulting fees paid to a retired member of the police retirement system by an employer covered by the system are considered earnings within the earnings limitations of that system. Committee amendments include a provision that consulting fees paid to a corporation or partnership in which the retiree or a member of his immediate family, individually or in the aggregate, are the controlling shareholders or partners, are also considered earnings; and an amendment repealing a section of the law which is in conflict with the provisions of the bill.

**S.157** - Amends current law concerning application of the federal *Internal Revenue Code* to State tax law by updating the reference whereby South Carolina adopts provisions of the *Internal Revenue Code of 1986*. The Committee amended the bill by adding a provision that, relative to corporate liquidations, a taxpayer may elect with respect to that subpart that '*Internal Revenue Code*' means the *Internal Revenue Code of 1954*, as amended through December 31, 1985. The Committee also amended the effective date of the bill by adding that "the optional reference date allowed pursuant to this act is applicable for taxable years beginning after 1996."

**H.3608** - Amends the SC Income Tax Act so as to allow a deduction for individual taxable income for amounts paid for health insurance premiums by self-employed persons to the extent that the cost of these premiums was not deducted on the taxpayer's federal income tax return. The Committee amended this bill by changing the date for which the bill is effective (upon approval by the Governor) from "taxable years beginning after 1996" to "taxable years beginning after 1997."

**H.3655** - Amends current law concerning maximum tax on the sale or lease of certain items by providing that a boat and trailer which is sold at the same time as, and is included in the sale of, a boat to the same purchaser, is to be taxed as a single sale. The Committee amended the bill to change the effective date (upon approval by the Governor) from July 1, 1997, to July 1, 1998.

## BILLS INTRODUCED

### EDUCATION AND PUBLIC WORKS

**H.4050 GOVERNOR'S SCHOOL FOR ARTS & HUMANITIES LICENSE PLATES** Rep. Wilkins  
This bill provides for the issuance of a special vehicle license plate to members of the Board of Directors of the SC Governor's School for the Arts and Humanities. The bill also provides for a biennial fee for the plates, and provides that only one plate may be issued to a board member.



**H.4052 ANDERSON COUNTY TRAFFIC CONTROL SIGNALS Rep. Townsend**

This bill prohibits the Department of Transportation from removing an electrically operated traffic-control signal in Anderson County without the unanimous consent of the Anderson County Legislative Delegation.

**H.4058 "MOTORIST'S BILL OF RIGHTS" Rep. D. Smith**

This bill requires the Department of Transportation to develop a "Motorist's Bill of Rights" and report its findings and recommendations to the House Education and Public Works Committee and the Senate Transportation Committee by the first day of the 1998 Session of the General Assembly.

**S.594 "POLICE PATROL BICYCLES" Sen. Ryberg**

This bill adds a section to current law, providing that an authorized police patrol bicycle used as a part of a police bicycle patrol may exercise the privileges of an emergency vehicle as provided in the *Uniform Act Regulating Traffic on Highways* (56-5-760). The bill also provides that such a bicycle may be equipped with a siren or the officer may use a whistle, and that an authorized police patrol bicycle acting as an emergency vehicle is entitled to the exemptions of an authorized emergency vehicle if it meets certain requirements.

## JUDICIARY

**H.4051 ABSENTEE VOTING Rep. Cromer**

This bill allows qualified electors residing outside the United States and members of the armed services and their families to register and vote by means of facsimile transmissions. Such electors may also make use of the Federal Write-in Absentee Ballot in general, special, primary, and run-off elections for local, state, and federal offices. Such electors may also use the Federal Write-in Absentee Ballot transmission envelope as a request for registration simultaneously with the submission of the FWAB so long as the elector is qualified and the FWAB is received not less than thirty days before the election. The bill also provides that a United States citizen who has never lived in the U.S. and who has a parent who is a qualified elector is eligible to register and vote where that parent is a qualified elector. The bill provides that the Executive Director of the State Election Commission may exercise emergency powers over any election complicated by a natural disaster, extremely inclement weather, or an armed conflict. Such emergency powers also apply to elections where errors in conduct make it impossible to determine the result.

**H.4057 MENTALLY ILL OFFENDER ACT Rep. J. Brown**

This bill establishes procedural safeguards in the prosecution of mentally ill defendants, requiring adequate care and individualized treatment. The Department of Mental Health is charged with developing a mentally ill offender program.

**H.4061 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS Rep. Harrison**

This bill provides that it is unlawful for an individual to operate, maintain an interest in, or be employed to conduct racketeering activities for a business. It is unlawful to knowingly or

intentionally receive proceeds from such racketeering activities. It is also unlawful to use such proceeds to acquire interest in a property or to establish or operate an enterprise. A violator is guilty of the felony of corrupt business influence and, upon conviction, must be imprisoned not more than ten years or fined not more than one hundred thousand dollars, or both.

**S.47 ROHYPNOL, "THE DATE RAPE DRUG" Sen. Holland**

This bill classifies Flunitrazepam, also known as Rohypnol or "the date rape drug," as a Schedule III controlled substance. The bill also provides that it is a felony to attempt to, or actually, make use of a controlled substance for the purpose of committing specified crimes including rape and kidnaping. A violator is subject to imprisonment for up to twenty years and/or a fine of thirty thousand dollars for a first offense; imprisonment for not less than five nor more than thirty years and/or a fifty thousand dollar fine for a second offense; and, not less than fifteen nor more than thirty years imprisonment and/or a fifty thousand dollar fine for a third or subsequent offense. If an individual who has previously been convicted of a narcotics offense commits a first offense, he is subject to the penalties for a second offense. Two or more such narcotics convictions subjects a first time offender to the penalties of a third or subsequent offense. Except in the case of a first offense, a sentence must not be suspended nor probation granted.

**H.4069 SANDLAPPER MAGAZINE Rep. Koon**

This bill designates *Sandlapper, the Magazine of South Carolina*, as the official magazine of the State. This honorary designation does not imply that opinions expressed in the magazine constitute official State positions. Neither does it imply that the magazine is supported by public funds or affect the magazine's ability to accept or refuse advertising.

**S.40 CONFIDENTIALITY OF RECORDS OF THE CONTINUUM OF CARE FOR EMOTIONALLY DISTURBED CHILDREN DIVISION Sen. J. Verne Smith**

This bill provides that records, reports, applications, and files kept on clients and potential clients of the Continuum of Care for Emotionally Disturbed Children are confidential. They may only be disclosed under court order, upon consent of client or guardian, or under other specified conditions. An individual who improperly discloses such information is guilty of a misdemeanor and subject to a fine of not more than five hundred dollars and/or imprisonment for not more than one year.

**S.377 MALICIOUS INJURY TO PERSONAL AND REAL PROPERTY Sen. Giese**

This bill provides that penalties for malicious injury to personal and real property apply when injury to the property or property loss occurs.

**S.456 DOMESTICATION OF A FOREIGN ADOPTION Sen. Wilson**

This bill provides that in the case of domesticating the foreign adoption of a foreign child, the court shall transmit the certificate of adoption to the state registrar without the necessary hearing in all cases where the court finds the documentation satisfactory. Court Administration is required in consultation with the Department of Social Services to prepare and make available adoption forms and guidelines for obtaining the domestication of a foreign adoption.



**S.483 ASSAULT ON A FIREMAN OR EMERGENCY SERVICE WORKER Sen. Fair**

This bill provides that it is a misdemeanor to commit assault and battery against a fireman or emergency medical service worker who is performing his professional duties. A violation is punishable with imprisonment for not less than two months nor more than three years. In the case of a first offense, the sentence shall not be suspended to less than two months, nor shall parole be granted until after six months, where appropriate. In the case of a second or subsequent offense, the sentence shall not be suspended to less than one year, nor shall parole be granted until after service of one year.

**S.577 CHILD PROTECTIVE SERVICES PILOT PROGRAM Sen. Fair**

This joint resolution authorizes the Department of Social Services to establish, in one region of the state, a pilot child protective services program which allows less serious cases to be diverted to an assessment track rather than following normal protocol.

**H.4077 EXAMINATIONS BY PUBLIC OFFICIALS/MEMBERS/EMPLOYEES Rep. Hodges**

This bill provides that it is unlawful for a public official, public member, or public employee to examine, or aid and abet in the examination of, a tax return, a worker's compensation record, health and medical treatment records, social services records, or other such information within access of public departments or agencies, if the purpose of that examination is to obtain information about the individual unrelated to carrying out the official duties of the official, member, or employee. An individual convicted of a violation must be immediately removed from his position, fined up to five thousand dollars and/or imprisoned for up to five years, and compelled to reimburse the costs of prosecution.

**LABOR, COMMERCE AND INDUSTRY**

**H.4082 UNAUTHORIZED CHANGE OF A CUSTOMER'S UTILITY SERVICE PROVIDER**

**Rep. Easterday**

This bill provides that it is unlawful for an entity to change a customer's utility provider without the customer's authorization. A violator is subject to a fine of not less than one hundred dollars and not more than one thousand dollars for each violation. A violator is liable to the customer for all charges incurred by the customer, in excess of those normally incurred through his designated provider, during the period of the unauthorized change.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.4063 MENTAL HEALTH PROGRAMS Rep. Harrison**

This bill amends several sections of the code concerning mental health. The bill includes a provision stating that any person who cannot afford to pay for necessary treatment at the rate customarily charged in available private practice is eligible to receive services from the community mental health clinic.

## WAYS AND MEANS

### **H.4059 UNCLASSIFYING STATE EMPLOYEES Rep. Vaughn**

This bill adds a section to the SC Code of Laws, providing that all state employees hired after December 31, 1997, must be included in the "unclassified service" of the State Merit System, and these positions will not be subject to the rules and regulations of the Office of Human Resources of the State Budget and Control Board. Employees in the classified service prior to January 1, 1998, shall continue to be covered employees in the classified service and will remain subject to the rules and regulations of the State Merit System so long as they remain in covered positions. The bill delineates guiding principles and functions for state agencies regarding recruiting, hiring, training, advancing, compensating, retaining, and rendering fair treatment for employees under the unclassified service system. The bill also provides responsibilities and functions for the State Merit System pursuant to the establishment of this system, and delineates the officers and employees included in "unclassified service" who are excluded from the classified service designation.

### **H.4060 DIRECT DEPOSIT OF STATE INCOME TAX REFUNDS Rep. Hinson**

This bill amends the SC Income Tax Act by requiring that the department provide for and offer, at the election of the taxpayer, a process for direct deposit to the account of the taxpayer of an income tax refund due the taxpayer because of income tax overpayment.

### **S.575 PROPERTY TAX EXEMPTIONS Sen. Ryberg**

This bill deletes the five year limitation on the *ad valorem* tax exemption which is currently allowed for a single property acquired by certain nonprofit entities when the property is acquired for the purpose of building or renovating residential structures on it for not-for-profit sale to economically disadvantaged persons.

### **S.619 DEFINITION OF "RETAIL SALES"/VETERINARIANS Sen. Ryberg**

This bill amends the SC Sales and Use Tax Act to include sales of tangible personal property to veterinarians in the definition of "retail sale." The bill provides that veterinarians are deemed to be the users or consumers of the property whether used in the rendering of professional services or sold outright as part of the veterinary practice and not furnished as a part of the professional services rendered.

### **S.622 MOTOR CARRIER REGISTRATION FEES Sen. Drummond**

This joint resolution authorizes the Department of Public Safety to retain and expend the motor carrier registration fees for fiscal year 1996-97.

### **H.4072 EMPLOYMENT SECURITY CONTRIBUTIONS Rep. Haskins**

This joint resolution provides that, with respect to employment security contributions, each employer subject to the provisions of Title 41 (Labor and Employment) of the Code of Laws of SC, 1976, as amended is required to pay for the period of January 1, 1998 through December 31, 1998 at a contribution rate equal to 50% of the contribution rate determined for the period January 1, 1997 through December 31, 1997. The resolution expires December 31, 1998.